

Attachment 1.1

Proof of publication for the
September 26, 2019 public hearing

**PROOF OF
PUBLICATION**

**STATE OF WISCONSIN SS.
COUNTY OF BROWN**

ACCOUNTS PAYABLE
WASHOE CO
1001 E 9TH ST BLDG D

RENO NV 89512

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the date: 07/05/2019 - 07/19/2019, for exact publication dates please see last line of Proof of Publication below.

Notice of Proposed Action

The Director is proposing revisions to District Board of Health Regulations Governing Air Quality Management, specifically Section 040.035, Open Fires, and related terms included in Section 010.000, Definitions. The proposed revisions and public workshop schedules are available on the Washoe County Air Quality Management Division website at OurCleanAir.com.

Public workshops will be held on July 9 and July 11, 2019. Additional workshops may be held upon receipt of a written request. In the event an additional public workshop is scheduled, the workshop location will be posted at OurCleanAir.com. Interested persons who may be affected, wish to comment, or request an additional public workshop should submit in writing to Daniel Inouye, Acting Division Director, by:

- 1) Mail to: Washoe County Health District, Air Quality Management Division
1001 E. 9th Street, Suite #B171
Reno, NV 89512, or
- 2) Email to: KeepItClean@washoecounty.us, or
- 3) FAX to: 775-784-7225.

Written comments will be accepted until the close of business on Monday, August 5, 2019, and will be considered prior to any final action being taken on the proposed revisions. Comments received will be included in the Business Impact Statement to be presented to the District Board of Health for consideration of acceptance at a public hearing to be held at 1:00 p.m. on August 22, 2019 at the Board of County Commissioners Chambers, located at 1001 East 9th Street, Building A. If the Business Impact Statement is accepted, adoption of the proposed revisions will be considered at the next District Board of Health meeting scheduled for 1:00 pm on September 26, 2019 at the same location. If adopted, these regulations will be submitted to the U.S. Environmental Protection Agency.
0003666021

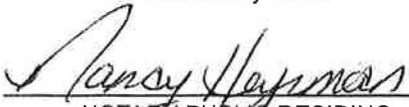
July 5, 10, 19, 2019

07/05/19, 07/10/19, 07/19/19



Legal Clerk

Subscribed and sworn before me this
19th of July 2019.



NOTARY PUBLIC RESIDING
AT STATE OF WISCONSIN
COUNTY OF BROWN

Notary Expires: 5-15-23

NANCY HEYRMAN
Notary Public
State of Wisconsin

Attachment 1.2

DBOH agenda for the
September 26, 2019 public hearing

Washoe County District Board of Health Meeting Notice and Agenda

Members

Dr. John Novak, Chair
Michael D. Brown, Vice Chair
Oscar Delgado
Kristopher Dahir
Dr. Reka Danko
Marsha Berkbighler
Tom Young

**Thursday, September 26, 2019
1:00 p.m.**

**Washoe County Administration Complex
Commission Chambers, Building A
1001 East Ninth Street
Reno, NV**

PUBLIC HEARING ITEM SCHEDULED ON THIS AGENDA

(Complete item description on third page.)

**An item listed with asterisk (*) next to it is an item for which no action will be taken.
1:00 p.m.**

1. *Roll Call and Determination of Quorum

2. *Pledge of Allegiance

3. *Public Comment

Any person is invited to speak on any item on or off the agenda during this period. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

4. Approval of Agenda – (For possible action)

September 26, 2019

5. *Recognitions

A. Years of Service

- i. Stephen Shipman, 20 years, Hired 9/20/1999 - EPHP

B. Promotions

- i. Stephanie Chen, Health Educator I to Health Educator II - CCHS

C. Accomplishments

- i. Kristen DeBraga – Passed the National Environmental Health Specialist Examination – EHS
- ii. Amber English – Selected to serve as a member of Council III – Science and Technology at the 2020 Biennial Meeting of the Conference for Food Protection - EHS

- iii. Ellen Messenger Patton – Appointment to the NACCHO Environmental Public Health Advisory Workgroup - EHS

D. New Hires

- i. Kelcie Atkins, 9/3/2019, Registered Dietitian Nutritionist, - CCHS
- ii. Scott Oxarart, 9/3/2019, Public Health Communications Program Manager – ODHO

E. Shining Stars

- i. Jennifer Howell
- ii. Blair Hedrick
- iii. Judy Medved-Gonzalez
- iv. Cory Sobrio
- v. Janet Smith
- vi. Carmen Mendoza

6. Consent Items – (For possible action)

Matters which the District Board of Health may consider in one motion. Any exceptions to the Consent Agenda must be stated prior to approval.

A. Approval of Draft Minutes – (For possible action)

- i. August 22, 2019

B. Budget Amendments/Interlocal Agreements – (For possible action)

- i. Retroactive approval of Notice of Subgrant Award from the Nevada Department of Health and Human Services, Division of Public and Behavioral Health, for the period August 1, 2019 through July 31, 2020 in the total amount of \$160,129 in support of the Centers for Disease Control and Prevention (CDC) Epidemiology and Laboratory Capacity Program; and if approved authorize the District Health Officer to execute the Subgrant Award.

Staff Representative: Jennifer Hoekstra

- ii. Retroactively approve the Notice of Subgrant Award from the Nevada Department of Health and Human Services, Division of Public and Behavioral Health, for the period July 1, 2019 through June 30, 2020 in the total amount of \$19,374 (with \$1,937.40 or 10% match) in support of the Assistant Secretary for Preparedness and Response (ASPR) Public Health Preparedness BP1 Carryover Program; and if approved authorize the District Health Officer to execute the Subgrant Award; Approval of emergency response supplies; and if approved, authorize the District Health Officer to distribute the supplies including signing all necessary paperwork.

Staff Representative: Jennifer Hoekstra

- iii. Retroactively approve the Notice of Subgrant Award from the Nevada Department of Health and Human Services, Division of Public and Behavioral Health, for the period July 1, 2019 through June 30, 2020 in the total amount of \$27,823 (with \$2,782.30 or 10% match) in support of the Centers for Disease Control and Prevention (CDC) Public Health Emergency Preparedness (PHEP) BP1 Carryover Program; and if approved authorize the District Health Officer to execute the Subgrant Award; Approval of Point of Dispensing (POD) supplies, Stop the Bleed supplies, Chemical, Burn, Radiation, Nuclear, Explosive (CBRNE) supplies; and if approved, authorize the District Health Officer to distribute the supplies including signing all necessary paperwork.

Staff Representative: Jennifer Hoekstra

- C. Approve a donation of seven (7) bicycles with an approximately value of \$5,600 to the City of Reno/Project HERO (Healing Exercise Rehabilitation Opportunity). - **(For possible action)**
Staff Representative: Nancy Kerns Cummins
- D. Recommendation to Uphold Citations Not Appealed to the Air Pollution Control Hearing Board. - **(For possible action)**
i. Rainbow Market #10, Case No. 1215, NOV No. 5741
ii. KDC Construction, Case No. 1216, NOV 5744
Staff Representative: Daniel Inouye
- E. Acknowledge receipt of the Health Fund Financial Review for August, Fiscal Year 2020 – **(For possible action)**
Staff Representative: Anna Heenan
7. **PUBLIC HEARING Review, discussion, and possible adoption of the proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.035 Open Fires. - (For possible action)**
Staff Representative: Daniel Inouye
8. **Review, discussion and possible adoption of the Business Impact Statement regarding proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.055 (Odorous or Gaseous Contaminants) with a finding that the revised regulations do not impose a direct and significant economic burden on a business; nor do the revised regulations directly restrict the formation, operation or expansion of a business; and set a public hearing for possible adoption of the proposed revisions to the Regulations for October 24, 2019 at 1:00 pm. - (For possible action)**
Staff Representative: Daniel Inouye
9. **Regional Emergency Medical Services Authority**
Presented by: Dean Dow and Alexia Jobson
A. **Review and Acceptance of the REMSA Operations Report for August, 2019 – (For possible action)**
B. ***Update of REMSA’s Public Relations during August 2019**
10. **Presentation and possible acceptance of the revised 2018-2020 Community Health Improvement Plan. - (For possible action)**
Staff Representative: Catrina Peters
11. **Discussion of Process and Presentation of Evaluation Forms for the District Health Officer’s Annual Review and Possible Direction to Staff to conduct the evaluation. - (For possible action)**
Staff Representative: Laurie Griffey
12. ***Staff Reports and Program Updates**
A. **Air Quality Management, Daniel Inouye, Acting Director**
Program Update - Truckee Meadows Regional Plan Update, Divisional Update, Program Reports (Monitoring/Planning; Permitting/Enforcement)
B. **Community and Clinical Health Services, Lisa Lottritz, Director**
Divisional Update – Severe Pulmonary Disease Associated with E-Cigarette Use; Data & Metrics; Sexual Health, Immunizations, Tuberculosis Prevention and Control Program, Family Planning/Teen Health Mall, Chronic Disease Prevention Program, Maternal Child and Adolescent Health, and Women Infants and Children

C. Environmental Health Services, Charlene Albee, Division Director

Environmental Health Services (EHS) Division Program Updates – Child Care, Community Development, Epidemiology, Food, Land Development, Safe Drinking Water, Schools, Vector, Waste Management, and Inspections.

D. Epidemiology and Public Health Preparedness, Dr. Randall Todd, Director

Program Updates for Communicable Disease, Outbreaks, Hantavirus, West Nile Virus, Measles, Hepatitis A, PHP Program, Upcoming Exercises, Emergency Medical Services, REMSA Response Data

E. Office of the District Health Officer, Kevin Dick, District Health Officer

District Health Officer Report – Public Health Accreditation (PHAB), Community Health Improvement Plan, Quality Improvement, Performance Management, Washoe Regional Behavioral Health Policy Board, Substance Abuse Task Force, Truckee Meadows Healthy Communities (TMHC), Other Events and Activities and Health District Media Contacts

13. *Board Comment

District Board of Health Member's announcements, reports and updates, request for information or topics for future agendas. (No discussion among Board Members will take place on the item)

14. *Public Comment

Any person is invited to speak on any item on or off the agenda during this period. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

15. Adjournment – (For possible action)

Possible Changes to Agenda Order and Timing: Items on the agenda may be taken out of order, combined with other items, withdrawn from the agenda, moved to the agenda of another later meeting; moved to or from the Consent section, or they may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless withdrawn from the Consent agenda.

Special Accommodations: The District Board of Health Meetings are accessible to the disabled. Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administrative Health Services in writing at the Washoe County Health District, 1001 E. 9th Street, Building B, Reno, NV 89512, or by calling 775.328.2416, 24 hours prior to the meeting.

Public Comment: During the "Public Comment" items, anyone may speak pertaining to any matter either on or off the agenda, to include items to be heard on consent. For the remainder of the agenda, public comment will only be heard during items that are not marked with an asterisk (*). Any public comment for hearing items will be heard before action is taken on the item and must be about the specific item being considered by the Board. In order to speak during any public comment, each speaker must fill out a "Request to Speak" form and/or submit comments for the record to the Recording Secretary. Public comment and presentations for individual agenda items are limited as follows: fifteen minutes each for staff and applicant presentations, five minutes for a speaker representing a group, and three minutes for individual speakers unless extended by questions from the Board or by action of the Chair.

Response to Public Comment: The Board of Health can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The *Open Meeting Law* does not expressly prohibit responses to public comments by the Board of Health. However, responses from the Board members to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Board of Health will consider, Board members may choose not to respond to public comments, except to correct factual inaccuracies, ask for Health District Staff action or to ask that a matter be listed on a future agenda. The Board of Health may do this either during the public comment item or during the following item: "Board Comments – District Board of Health Member's announcements, reports and updates, request for information or topics for future agendas. (No discussion among Board Members will take place on the item)"

Posting of Agenda; Location of Website:

Pursuant to NRS 241.020, Notice of this meeting was posted at the following locations:

Washoe County Health District, 1001 E. 9th St., Reno, NV

Reno City Hall, 1 E. 1st St., Reno, NV

Sparks City Hall, 431 Prater Way, Sparks, NV

Washoe County Administration Building, 1001 E. 9th St, Reno, NV

Downtown Reno Library, 301 S. Center St., Reno, NV

Washoe County Health District Website www.washoecounty.us/health

State of Nevada Website: <https://notice.nv.gov>

How to Get Copies of Agenda and Support Materials: Supporting materials are available to the public at the Washoe County Health District located at 1001 E. 9th Street, in Reno, Nevada. Ms. Laura Rogers, Administrative Secretary to the District Board of Health is the person designated by the Washoe County District Board of Health to respond to requests for supporting materials. Ms. Rogers is located at the Washoe County Health District and may be reached by telephone at (775) 328-2415 or by email at lrogers@washoecounty.us. Supporting materials are also available at the Washoe County Health District Website www.washoecounty.us/health pursuant to the requirements of NRS 241.020.

Attachment 1.3

Staff report for proposed revisions to the
DBOH Regulations Governing Air Quality
Management, Section 040.035 Open Burning

Staff Report
Board Meeting Date: September 26, 2019

TO: District Board of Health

FROM: Daniel Inouye, Acting Director, Air Quality Management Division
775-784-7214, dinouye@washoecounty.us

SUBJECT: Review, discussion, and possible adoption of the proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.035 Open Fires.

SUMMARY

The Washoe County District Board of Health must adopt any revisions to the District Board of Health Regulations Governing Air Quality Management (Regulations).

District Health Strategic Priority supported by this item:

- 2. Healthy Environment:** Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

PREVIOUS ACTION

Section 040.035 of the Regulations was last revised on August 25, 1993. That revision prohibited open burning throughout Washoe County from November through February. Between March and October, open burning is allowed throughout the county with additional requirements for exemption fires within the Truckee Meadows Hydrographic Area.

On August 22, 2019, the District Board of Health adopted the Business Impact Statement with a finding that the revised regulations do not impose a direct and significant economic burden on businesses; nor do the revised regulations directly restrict the formation, operation or expansion of a business; and set a public hearing for possible adoption of the proposed revisions to the Regulations for September 26, 2019 at 1:00 pm.

BACKGROUND

Open Fires are currently prohibited throughout Washoe County from November through February, during peak wintertime inversion season and residential woodstove burning use. This prohibition is in place to help reduce pollution levels within the Truckee Meadows Hydrographic Area 87 (HA87). Between March and October and based on approval from the local fire protection districts, open burning is allowed in Washoe County, with the exception of HA87. Open burning within HA87 between March and October is allowed if it meets at least one of the

five exemptions. The most common exemption request is for having ditch or water delivery facilities on their property. In over 20 years, only one resident has requested an exemption due to a “public safety hazard” with no other reasonable alternatives for eliminating the hazard.

Based on meetings with the local fire protection districts and data collected in the spring of 2019, the proposed revision was developed allowing open burning under appropriate conditions year round in Washoe County, with limitations on properties on which open burning can occur in HA87. The proposed revision will allow for more opportunities for open burning year round within Washoe County during favorable weather conditions for both air quality and public safety. Below is a summary of the major revisions being proposed:

1. Renaming the regulation from “Open Fires” to “Open Burning”
2. Removal of the restriction to burning during November through February
3. Removal of the “Operators of ditches and water delivery facilities” exemption
4. Removal of the “Operators of agricultural facilities greater than 2 acres in size” exemption
5. The addition of “Properties 2 acres in size or greater” exemption within HA87
6. The addition of “Canal and irrigation companies” exemption within HA87
7. The addition of fire control agency considerations when allowing open burn days.

The irrigation and canal companies will not be affected by this regulation change and will still be allowed to open burn ditches and water delivery facilities. Each of the irrigation and canal companies were contacted and provided a copy of the notification and solicitation for comments.

The following methods were used to provide notice of the proposed revisions and public workshops:

1. A public notice of the proposed revisions was published in the Reno Gazette-Journal on July 5, July 10, and July 19, 2019
2. The proposed revisions and workshop information was posted in the “Current Topics” section of the AQMD website (OurCleanAir.com)
3. The notification was emailed to 577 residents who received burn permits from Truckee Meadows Fire Protection District (TMFPD) and five canal and irrigation companies
4. The notification was shared through various forms of social media including Facebook, Twitter, and Next Door
5. The AQMD Facebook page was utilized to create events for the three public workshops
6. AQMD social media posts were shared through TMFPD’s social media

Three public workshops were held on June 28, July 9, and July 11, 2019. A total of 11 residents attended the workshops - five (5) attendees on June 28, six (6) on July 9, and zero (0) on July 11. Additional attendees at each meeting included AQMD and TMFPD staff. During the workshops, a presentation was given on the background of the Open Fires regulation, specific proposed regulatory revisions, and the impacts to the proposed revisions. A sign-in sheet was available during the workshops. Hard copies of the proposed revision, the presentation, and public comment forms were also available. The workshop presentation and written comments received are attached.

Four individuals provided public comments, which are included with this staff report. The comments were supportive of removing the county-wide prohibition of open burning from November through February. Comments were also related to the nexus between HA87 and air quality, especially between March and October. Two commenters requested reducing the property size minimum in HA87. HA87 is the federally enforceable geographic area that was designated “Serious non-attainment” for Particulate Matter. This area also has a federally enforceable maintenance plan to ensure that air pollution levels will continue to meet National Ambient Air Quality Standards (NAAQS). NAAQS are applicable year-round and to all portions of Washoe County.

FISCAL IMPACT

There are no fiscal impacts resulting from the Board adopting the revisions to the regulations. No fees for on-site “public safety hazard” inspections will be assessed at this time. If inspections are requested and conducted, AQMD will assess the burden and, if necessary, propose an appropriate fee to recover expenses at a later date.

RECOMMENDATION

Staff recommends the District Board of Health adopt the revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.035 Open Burning.

POSSIBLE MOTION

Should the Board agree with staff’s recommendation, a possible motion would be:

“Move to adopt the revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.035 Open Burning.”

EXPLANATION: Matter in (1) Blue Underline is proposed language to be added to the current Open Fires regulation and was presented at the June/July 2019 public workshops; (2) ~~Red Strikethrough~~ is proposed language to be deleted from the current Open Fires regulation and was presented at the June/July 2019 public workshops; (3) Green Underline is proposed language to be added to the June/July 2019 version; (4) ~~Red Double Strikethrough~~ is proposed language to be deleted from the June/July 2019 version.

~~040.035 OPEN FIRES (Amended 4/88, 8/25/93)~~

~~A. As used in this section, "open fire" includes all outdoor fires which are not confined in a District approved incinerator, except those which are set during camping and other recreational activities for the purpose of preparing food or for warmth. It is unlawful to burn, or cause to be burned, any combustible refuse in any outdoor waste burner, unless that burner is an incinerator with a valid Permit to Operate, approved by the Control Officer and in compliance with the provisions of Sections 040.010, 040.046, 040.050 and 040.055. Prescribed burns are governed by the rules of part D of this section.~~

~~B. Except as provided in this section and Section 040.040, no person may burn or cause to be burned, any material in an open fire within the Health District without a valid open burning permit. Under no condition shall an open fire be used to dispose of any vegetative material or other solid waste within the Truckee Meadows hydrographic basin, except as provided under Section 040.035 (C).~~

~~C. Effective September 1, 1993, within the Truckee Meadows hydrographic basin may be issued only to the following persons:~~

~~1. Divisions of local municipalities;~~

~~2. Divisions of state or federal government;~~

~~3. Operators of agricultural facilities greater than 2 acres in size;~~

~~4. Operators of ditch and water delivery facilities;~~

~~5. The owner of any property where the fire control agency and the Air Quality Control Officer jointly determine based on an on-site inspection, that a public safety hazard exists and no other reasonable alternative exists for eliminating that hazard.~~

~~6. Open burn permits may be issued to any person for burning to be conducted outside the Truckee Meadows hydrographic basin.~~

~~D. All open burning permits within the Health District must comply with the following terms, conditions and limitations:~~

~~1. Open burn permits within the Health District shall be issued by the appropriate fire control agency. Such permits may only be issued for burning from March 1 through October 31.~~

~~2. The permit shall set forth conditions of burning which will limit the impact of burn related emissions. Materials other than vegetation, such as construction debris, wood, rubber, plastics, household refuse, etc. may not be burned. The fire control agencies shall attach to each open burn permit an information packet which shall be provided by the Air Quality Control Officer.~~

~~3. Open burn permits shall be issued by the fire control agencies only in cases where no reasonable or cost effective alternatives exist.~~

~~4. The fire control agencies shall notify the Air Quality Control Officer of all open burn permits at the time of issuance upon request. The Air Quality Control Officer shall provide a form for making such notification.~~

~~5. Fire control agencies shall notify the Air Quality Control Officer at least five (5) days in advance of any periods for which they plan to allow open burning.~~

~~6. The fire control agencies shall have responsibility for the physical inspection each site and the materials to be burned to determine compliance with fire safety and other applicable codes and requirements prior to the burn.~~

~~7. The open burn permit holder shall contact the local fire control authority to determine if open burning is allowed on the day on which the permittee plans to burn. Open burning permits may be suspended whenever the Air Quality Control Officer determines that adverse meteorological conditions exist.~~

~~8. A copy of the open burn permit shall be available at the site of the open burn and shall be presented to the fire control agency representative and/or Air Quality Control Officer upon request.~~

~~9. All provisions and conditions imposed by the permit must be strictly followed by the permit holder. Failure of the permittee to comply with all such provisions and conditions constitutes a violation of these regulations.~~

~~10. Compliance with all applicable codes and requirements for open burning is the responsibility of the person(s) obtaining and using the open burn permit.~~

~~E. The Control Officer may allow prescribed burning in forest areas during favorable air dispersion conditions. For the purposes of this regulation, a prescribed burn shall mean the controlled application of fire to natural vegetation under specified conditions. Prescribed burns shall not be subject to the burn period limitations of **Section 040.035 (C)**~~

~~A prescribed burning permit, issued by the Air Quality Control Officer, shall be required for all prescribed burns. Prescribed burn permits may only be issued to local fire control authorities or managers of the Forest Service, Bureau of Land Management and Nevada Division of Forests for lands under their control and jurisdiction. The Air Quality Control Officer shall review the smoke management portion of the burn prescription and set forth conditions of operation to limit the air quality impacts of burn related emissions.~~

~~Any application for a prescribed burn permit must be submitted at least ten (10) days in advance of the burn. The application shall include the agency overseeing the burn, a responsible person to be contacted in relation to the burn, the area to be burned, a copy of the burn prescription and any other information as required by the Air Quality Control Officer. The burn prescription shall be available at the site of the burn and shall be presented to the Air Quality Control Officer upon request.~~

040.035 OPEN BURNING (Amended 4/88, 8/25/93; Renamed and Revised 09/26/19)

SECTION A – GENERAL

1. PURPOSE: To limit particulate material (PM) emissions and other pollutants released into the ambient air from open burning.
2. APPLICABILITY: The provisions of this Rule shall apply to any persons conducting open burning within Washoe County.

SECTION B – DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

1. Allowable Vegetation. Means only plant material that grew on the property where the burn is to be conducted.
2. Fire Control Agency. Means the local fire protection districts and fire departments that regulate open burning.
3. Nuisance Smoke. Means anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
4. Open Burning. Means the burning of any ~~combustible material, substance or refuse~~ allowable vegetation wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney.
5. Reasonable Alternatives. Means other means to dispose of allowable vegetation, such as manual removal and disposal of material in a landfill.
6. Recreational Fires. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
7. Smoke Impacts. Means anything that is causing pollution levels to be harmful to humans or become a safety hazard.

SECTION C – STANDARDS: The following standards shall apply:

1. Open burns include all outdoor fires with the exception of:
 - i. Recreational fires;
 - ii. Prescribed fires; and
 - iii. Fires set for training purposes as defined in Section 040.040.
2. Only allowable vegetation shall be burned. No other materials may be burned at any time within Washoe County.
3. Smoke from open burning shall not contribute to exceedances or violations of any National Ambient Air Quality Standards (NAAQS). Open burning will not be allowed if concentrations of any pollutant are exceeded, or expected to exceed any NAAQS.
4. Open burning is exempt from opacity standards as defined in Section 010.106.
5. If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in Section 050.001.C, all open burning shall be suspended in accordance with the requirements of Section 050.001.C.

SECTION D – ADMINISTRATIVE REQUIREMENTS: The following administrative requirements shall apply:

1. Open burning within Washoe County shall meet local fire control agency requirements. Fire control agencies shall consider the following criteria when approving open burning and determining permissible burn days:
 - a. Consideration of reasonable alternatives to burning and;
 - b. Current and forecasted air quality conditions and;
 - c. Current and forecasted weather conditions and;
 - d. Potential nuisances from smoke and;
 - e. Consideration of smoke impacts from all approved open burns.
2. Open burning is not allowed for properties located within: 1) a PM or CO “non-attainment” ~~or~~ “maintenance” area as specified in 40 CFR 81.329, or 2) areas with an EPA approved Maintenance Plan for PM or CO, except under one of the following conditions:
 - a. Properties 2 acres in size or greater;
 - b. Divisions of state or federal government;
 - c. Divisions of local municipalities;
 - d. Canal and irrigation companies;
 - e. The owner of any property where the fire control agency and the Control Officer jointly determine based on an on-site inspection that a public safety hazard exists and no other reasonable alternative exists for eliminating that hazard.

SECTION E – COMPLIANCE AND RECORDS: For the purpose of these regulations, the following compliance and record requirements shall apply:

1. No persons shall conduct open burning without approval from the local fire control agency.
2. The local fire control agencies shall provide the Control Officer an annual report summarizing the previous year’s open burning program. The report shall be submitted annually each year for the previous calendar year activities.

SECTION A – GENERAL

1. PURPOSE: To limit particulate material (PM) emissions and other pollutants released into the ambient air from open burning.
2. APPLICABILITY: The provisions of this Rule shall apply to any persons conducting open burning within Washoe County.

SECTION B – DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

1. Allowable Vegetation. Means only plant material that grew on the property where the burn is to be conducted.
2. Fire Control Agency. Means the local fire protection districts and fire departments that regulate open burning.
3. Nuisance Smoke. Means anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
4. Open Burning. Means the burning of any allowable vegetation wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney.
5. Reasonable Alternatives. Means other means to dispose of allowable vegetation, such as manual removal and disposal of material in a landfill.
6. Recreational Fires. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
7. Smoke Impacts. Means anything that is causing pollution levels to be harmful to humans or become a safety hazard.

SECTION C – STANDARDS: The following standards shall apply:

1. Open burns include all outdoor fires with the exception of:
 - i. Recreational fires;
 - ii. Prescribed fires; and
 - iii. Fires set for training purposes as defined in Section 040.040.
2. Only allowable vegetation shall be burned. No other materials may be burned at any time within Washoe County.

3. Smoke from open burning shall not contribute to exceedances or violations of any National Ambient Air Quality Standards (NAAQS). Open burning will not be allowed if concentrations of any pollutant are exceeded, or expected to exceed any NAAQS.
4. Open burning is exempt from opacity standards as defined in Section 010.106.
5. If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in Section 050.001.C, all open burning shall be suspended in accordance with the requirements of Section 050.001.C.

SECTION D – ADMINISTRATIVE REQUIREMENTS: The following administrative requirements shall apply:

1. Open burning within Washoe County shall meet local fire control agency requirements. Fire control agencies shall consider the following criteria when approving open burning and determining permissible burn days:
 - a. Consideration of reasonable alternatives to burning and;
 - b. Current and forecasted air quality conditions and;
 - c. Current and forecasted weather conditions and;
 - d. Potential nuisances from smoke and;
 - e. Consideration of smoke impacts from all approved open burns.
2. Open burning is not allowed for properties located within: 1) a PM or CO “non-attainment” area as specified in 40 CFR 81.329, or 2) areas with an EPA approved Maintenance Plan for PM or CO, except under one of the following conditions:
 - a. Properties 2 acres in size or greater;
 - b. Divisions of state or federal government;
 - c. Divisions of local municipalities;
 - d. Canal and irrigation companies;
 - e. The owner of any property where the fire control agency and the Control Officer jointly determine based on an on-site inspection that a public safety hazard exists and no other reasonable alternative exists for eliminating that hazard.

SECTION E – COMPLIANCE AND RECORDS: For the purpose of these regulations, the following compliance and record requirements shall apply:

1. No persons shall conduct open burning without approval from the local fire control agency.
2. The local fire control agencies shall provide the Control Officer an annual report summarizing the previous year’s open burning program. The report shall be submitted annually each year for the previous calendar year activities



Public Health
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Sign-In Sheet

Air Quality Management Division
040.035 Open Fire Revision Workshop
June 28, 2019 • 12:00 to 2:00 • Health District, South Auditorium

Name	Organization	E-mail
Chloe Sukappa		Sukappa @ Aol. com
M/M Jones		
Greg & Susan Jones		jlavender@att.net
Charlie Moore	TWFFIRE	C Moore co-firmpolus
Shelton	AGMD	jdhunter@washoeconomy.us
Brandon Schieder	AGMD	bschneider@washoeconomy.us
SAI CULAK	TMFINE	SCULAK@ WASHOE TMFINE.US
Daniel Inouye	WUSD-AGMD	dinouye@washoeconomy.us



Public Health
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Sign-In Sheet

Air Quality Management Division
040.035 Open Fire Revision Workshop

July 9, 2019 · 6:00 – 8:00 PM · 470 Foothill Road, TMFPD Station 33

Name	Organization	E-mail
Daniel Inouye	WKHD-AQMD	dinoeye@washoecounty.us
Chelle Hunter	WKHD-AQMD	idhunter@washoecounty.us
Charles Moore	TMFPD	jimbobv@aol.com
Jim Renner	Private	ivf@ecolick.me.com
Lisa Myers		jeanne.walder@me.com
Jeanne Walder		chellesjondae@gmail.com
Christie Dandee	Private/public	ssclung@tmfpd.us
Joe Senum	TMFPD	NVSTATEMENT@YHHD.COM
Bob Myers	PRMTE	

Air Quality Management Division

040.035 Open Fire Revision Workshop

July 11, 2019 • 12:00 – 2:00 PM • 10201 W. 4th Street, Fire Station 40

[illegible]

**PROOF OF
PUBLICATION**


**STATE OF WISCONSIN SS.
COUNTY OF BROWN**

ACCOUNTS PAYABLE
WASHOE CO
1001 E 9TH ST BLDG D

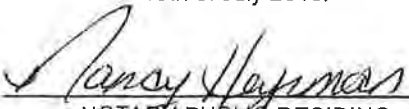
RENO NV 89512

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the date: 07/05/2019 - 07/19/2019, for exact publication dates please see last line of Proof of Publication below.

07/05/19, 07/10/19, 07/19/19


Legal Clerk

Subscribed and sworn before me this
19th of July 2019.


NOTARY PUBLIC RESIDING
AT STATE OF WISCONSIN
COUNTY OF BROWN

Notary Expires: 5.15.23

NANCY HEYRMAN
Notary Public
State of Wisconsin

Ad#:0003666021
P O :
of Affidavits : 1

Notice of Proposed Action

The Director is proposing revisions to District Board of Health Regulations Governing Air Quality Management, specifically Section 040.035, Open Fires, and related terms included in Section 010.000, Definitions. The proposed revisions and public workshop schedules are available on the Washoe County Air Quality Management Division website at OurCleanAir.com.

Public workshops will be held on July 9 and July 11, 2019. Additional workshops may be held upon receipt of a written request. In the event an additional public workshop is scheduled, the workshop location will be posted at OurCleanAir.com. Interested persons who may be affected, wish to comment, or request an additional public workshop should submit in writing to Daniel Inouye, Acting Division Director, by:

- 1) Mail to: Washoe County Health District, Air Quality Management Division
1001 E. 9th Street, Suite #B171
Reno, NV 89512, or
- 2) Email to: KeepItClean@washoecounty.us, or
- 3) FAX to: 775-784-7225.

Written comments will be accepted until the close of business on Monday, August 5, 2019, and will be considered prior to any final action being taken on the proposed revisions. Comments received will be included in the Business Impact Statement to be presented to the District Board of Health for consideration of acceptance at a public hearing to be held at 1:00 p.m. on August 22, 2019 at the Board of County Commissioners Chambers, located at 1001 East 9th Street, Building A. If the Business Impact Statement is accepted, adoption of the proposed revisions will be considered at the next District Board of Health meeting scheduled for 1:00 pm on September 26, 2019 at the same location. If adopted, these regulations will be submitted to the U.S. Environmental Protection Agency.
0003666021

July 5, 10, 19, 2019

**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

Air Quality Management Division

040.035 Open Fire Revision Public Comment

June 28, 2019 · 12:00 to 2:00 · Health District, South Auditorium

Contact Information

Name Cilia Suheyda
Address 5425 Mt Rose Hwy, Reno 89511
Phone 849-1944
Email Suheyda @ Aol.com

How did you hear about the workshop?

- ☐ Email
- ☐ Air Quality website
- ☐ Social Media
- ☐ Word of mouth
- ☒ Other Mail

Regulation revision comments:

fees: Landowners should not be charged fees.

Fines: Anyone without a permit must be fined.

Thank you -

AIR QUALITY MANAGEMENT

1001 East Ninth Street, Building B-171, Reno, Nevada 89512

AQM Office: 775-784-7200 | Fax: 775-784-7225 | OurCleanAir.com

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**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

Air Quality Management Division

040.035 Open Fire Revision Public Comment

June 28, 2019 • 12:00 to 2:00 • Health District, South Auditorium

Contact Information

Name Jerry J. Lavence
Address 31300 Canton Dr. Wadsworth NV. 89442
Phone (775) 575-7387
Email jlavenc@att.net

How did you hear about the workshop?

- ☒ Email
☐ Air Quality website
☐ Social Media
☐ Word of mouth
☐ Other _____

Regulation revision comments:

Will be good to be able to burn all
fall and winter when able.

Need a way to separate county areas
from city winds days.

Need more or quicker communication to
allow more notification of ~~green~~ drop off
days.

AIR QUALITY MANAGEMENT

1001 East Ninth Street, Building B-171, Reno, Nevada 89512

AQM Office: 775-784-7200 | Fax: 775-784-7225 | OurCleanAir.com

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April 30, 2019

To: Charlene Abby, Director, Washoe County AQMD

From: William Verner

Re: Open Burning within Truckee Meadows Hydrographic Basin (HA 87)

After receiving your April 2 email I discussed this issue with a few of my acquaintances who have some expertise in this area, and also with officials from a number of governmental agencies. We reviewed your statements in detail and now submit a number of thoughts for your consideration in the following paragraphs.

1. The Washoe County AQMD has clearly and repeatedly stated that their major concern is “the *wintertime* pollution problem caused by fireplaces, woodstoves, and open burning.” *Wintertime* has been defined by AQMD as the period between November 1 and February 28. During those four months you control burning in fireplaces and woodstoves, via the Burn Code, in a large chunk of the county from Washoe Lake to Silver Knolls. This area includes all of the Truckee Meadows Hydrographic Basin (HA 87) and much more. Open burning is prohibited at all times throughout the entire above-mentioned area through the entire *wintertime* period. The italics are mine, but it would be an understatement to say that the main thrust of AQMD seems to be toward alleviating *wintertime* pollution. Air pollution from these sources during the other eight months of the year seems to be a minor issue, yet our whole discussion revolves around what is and is not allowable during this seemingly benign period.

2. Although the EPA monitors numerous pollutants - including particulate matter (PM), ozone, and oxides of carbon, sulfur, nitrogen and lead – it is clear from your email and other Division writings that you consider the bad actor in HA 87 to be particulate matter. These are the small, unhealthy, inhalable solid and liquid particles some of which, according to the EPA, come directly from a point source, such as construction sites, unpaved roads, fields, smokestacks, or *fires*, but most of which are formed in the atmosphere as a result of complex reactions of chemicals such as sulfur dioxides and oxides of nitrogen, which are pollutants emitted by power plants, industries and automobiles. Just from the general wording, which comes from the EPA itself, it seems that open burning in general is viewed as a tiny part of the whole; open burning by a small, closely-defined group within a small, vaguely-defined area appears to us to be a miniscule blip on the radar screen.

3. On March 1 the *summertime* season starts, and it lasts until October 31. During that eight month span, all controls on fireplaces and woodstoves are removed, and homeowners can burn anything they want to in their fireplaces and woodstoves,

anywhere in the county. Moreover, at that same point in time the official open burning season starts, and property owners can burn any matter of plant and shrub clippings (yard waste), anywhere in the county *except within the confines of HA 87*. Even within HA 87, generous allowances are made to allow open burning by divisions of local, state, or federal agencies, agricultural facilities greater than two acres in size, and properties containing water delivery facilities (ditches) – pretty much everybody is exempted except us ordinary residential property owners. The only general controls exercised over open burning in Washoe County during summertime are those imposed by the various fire protection districts, and they are related to fire safety and not relevant to this discussion. Again, we find it difficult to understand why the AQMD is expending so much time and effort on this teenyburger.

4. In the first paragraphs of your email you mention that a decision was made in the early 1970's to use the NV hydrographic basins as a "convenient" way to define the airsheds, since the basins and surrounding mountain ranges do a "reasonably good job" of delineating distinct air regions. This language alone would lead one to conclude that the decision was in fact arbitrary and not based on scientific evidence. This marriage of watersheds and airsheds might have seemed a reasonable assumption or hypothesis at the time, but in our view it is seriously flawed. First of all, the hydrologic basins are concerned not only with surface flow but also with underground flow and reservoirs, so they are not entirely defined by surface contours. Even if they were, the flow of surface water and surface air are not the same. The flow of surface water is controlled by gravity and gravity alone; the flow of air over the surface is affected by gravity, atmospheric pressure, temperature, and most importantly by wind.

5. We reviewed your CFR Title 40 link, and it did not really contain any definitive information pertaining to particulate matter. There is only one PM-10 entry, and it is blank; there are four PM-2.5 entries, two annual for 1997 and 2012 and two 24-hour for 1997 and 2006. All four show a Statewide designation of Unclassifiable/Attainment [whatever that means] and the Statewide designation in all cases refers to the "hydrographic areas" shown on a NV DWR map produced in 1971. Perhaps your intent was to show that the hydrographic areas in NV have been accepted by the feds as the equivalent of airsheds, and that that fact somehow validates the quick and dirty decision made back in the 1970's. I would guess the EPA pretty much accepted what NV recommended back in the early days, as long as it was not too far-fetched. I would submit that just because some assertion has enjoyed acceptance by the government or the general public for a long period of time does not make it correct. We now know the earth is not flat and that the sun does not revolve around the earth. These generally accepted claims were invalidated through scientific studies. A fair question might be what has the AQMD done over the last 45+ years to improve and sharpen the original assumption that the Truckee Meadows Hydrological Basin is identical to what could be called the Truckee Meadows Airshed? In our view it appears you have etched the original assumption in stone and removed any further discussion from the table.

6. You mentioned in your email that the Truckee Meadows Hydrologic Basin (HA 87) was designated non-attainment for particulate matter when the Clean Air Act was promulgated in 1970. That is a curious statement, since HA 87 was not designated and described by the Washoe County Engineer until March 1978, eight years later. You go on to imply that because of remediation efforts by AQMD, HA 87 achieved particulate matter attainment, as defined by the EPA, in 2016. This date is significant, since up to and including the 2015 season open burning was not controlled within the basin. Although listed in the statutes, the no-burn rule was not enforced, was not generally known, and was not shown on burn permit applications issued by the Truckee Meadows Fire Protection District. The point here being that PM attainment within HA 87 was reached despite the fact that open burning had gone on unabated during the 45 years from 1970 through 2015. Then, suddenly in 2016, it became a substantive issue, and we wonder why. From the outside it looks like you are straining to keep the PM attainment designation and will jump at anything that even hints at PM pollution. Perhaps we should be thankful that we can still drive our cars within HA 87.

7. In our view, before AQMD denied a particular practice to a particular group of people living in a particular area, certain conditions should have been met. First of all, the non-attainment designation must have meant that there was there a PM problem within HA 87 during the summertime seasons prior to the 2016 clampdown. Do you have historical data that show how much of the PM problem was due to open burning and how much originated from other sources? Within the open burning portion, do you know what percentage of the problem was attributable to homeowners conducting open burns versus those burning openly because they were exempt from the rule? Alternatively, since three open burn seasons have passed since the clampdown, you should be able to compare the gross PM counts attributable to open burning in, say, 2013, 14, and 15 vs. those in 2016, 17, and 18, perhaps adjusted by population growth. Has the AQMD collected these data, and are they available online? The point of these questions is, of course, can you show that open burning by non-exempted homeowners has ever played a significant part in the air quality within HA 87; and can you demonstrate that the prohibition of summertime open burning in HA 87 by non-exempted homeowners (that went into effect in 2016) has had any effect on PM counts attributable to open burning?

8. An issue that has not even been touched on to date is the question of the origin and final destination of the particulate matter. Just because a monitor within HA 87 picks up particles that are judged to have resulted from open burning, who is to say these particles originated within HA 87? They easily could have blown into HA 87 from another area. Likewise, any open burning within HA 87 could generate particles that are blown into adjacent areas or up into the atmosphere. Can the AQMD produce data, presumably based upon wind flow, which would demonstrate how particulate matter moved into, out of, and through HA 87? To us that would seem unlikely.

9. As an extension of Item 8, we would be interested in knowing the number and locations of your monitoring stations that detect particulate matter in HA 87 and the surrounding area. Is this information online? Are these stations maintained by you or by the EPA? Is this parameter measured continually or at specific intervals? Presumably, the monitors generate data in the form of x PM-10 particles or y PM-2.5 particles per cubic meter. How are you able to tell whether a given particle came from, say, a smokestack or an open burn, and how can you determine the point source of that particle?

Summarizing the preceding paragraphs, we feel that AQMD is targeting a minor source of air pollution (open burning) inside an arbitrarily defined area of Washoe County (HA 87) that was ginned together over 45 years ago and whose scientifically questionable boundaries have not been adjusted or even addressed ever since. We also submit that the Division is placing a burden on selected homeowners within that area who likely would have extremely limited impact on that minor pollution source no matter what they did. Moreover, you are imposing these restrictions during the summertime period, when all the burning rules are relaxed and by your own admission there does not seem to be an extant air pollution problem. We also suggest that the 2016 decision to crack down on open burning by non-exempt individuals within the Truckee Meadows Hydrographic Basin (HA-87) was made in the absence of reliable scientific data, and we question whether or it can be shown that this decision has had any positive effect, or in fact any effect at all, on particulate matter pollution in Washoe County.

We are requesting that the AQMD revisit the above issues to determine if in fact open burning constitutes a threat to our air quality and, if so, what is the magnitude and scope of that threat and how should it be countered. If, through scientific studies, it is found that certain types of open burning in certain areas at certain times of the year pose a measurable threat to the quality of our air, then by all means those practices should be prohibited, and there should be no exemptions. In the interim we suggest that the AQMD rescind those provisions of Regulation 040.035 which refer to the Truckee Meadows Hydrological Basin (HA 87) and cease any ongoing enforcement attempts.

This dialog is important to us, and we look forward to your response.

August 5, 2019

Daniel Inouye
Monitoring and Planning Branch Chief
Washoe County Health District
1001 E. 9th Street – B171
Reno NV 89512

Re: Air Quality Management Regulations Revisions to 0.40.035 – Open Fires

Mr. Inouye:

Thank you to you and your staff for your presentation and discussion on the above referenced proposed regulatory rule changes which took place at Fire Station 33 on July 9th 2019.

I respect the efforts of the Bureau and support many of the proposed changes to the regulations. While I recognize that the proposed changes to code afford many landowners, with parcels that are 2 or more acres in size -Section D 2(a), to now open burn in Hydrographic Basin 87 and that this section also affords property owners a mechanism to work with the local fire control agency - Section D 2(e), I believe that the changes do not go far enough for many properties on the southern interior boundary of Basin 87 – south of the Mt Rose highway.

One of the reasons for not reducing the property size down to an acre exemption, as stated by Chief Moore, was the concern that such a reduction would result in a higher density of eligible properties that might contribute to air quality issues in the Basin and an elevated concern regarding escaped fires. I have overlaid the Basin 87 boundary spatial in GIS and analyzed the parcel size south of the Mt Rose Highway on Fawn Lane - please see attached aerial. I specifically limited the review to that area because many of the properties west and within the boundary have CCR in place that don't allow open burns.

The properties on Fawn Lane are comprised of both private and public lands and their sizes range from 1.12 acres to lots of 5 acres. There are approximately 38 properties on Fawn Lane that fall within Basin 87. Approximately 50% of this number would be exempt under the proposed rules because they are either public or in excess of 2 acres. If all properties that fall within Basin 87 south of the Mt Rose Highway along Fawn Lane were to be aggregated, the average lot size would be 2.04 acres.

The managing agency for the public lands, USFS, has indicated that they would not open burn these lands and has masticated the brush fields in the past. Many of these properties are "horse" properties and the brush has been cleared to create riding corrals so there isn't a lot of vegetative material to manage. My point is that while there are approximately 38 properties not all of them would choose to burn or have burned in the past.

I have previously worked with your staff and the local fire protection district to secure a one year exemption this previous year – I would hope that I wouldn't have to go through that process on an annual basis but I do acknowledge that you have included a mechanism for addressing cases where using fire is the most practicable alternative within the Basin.

My request is for the Health District Board to consider an additional exemption specifically for this area south of the Mt Rose Highway with the following “friendly” amendment language to Section D 2.

- f. properties located south of the Mt. Rose highway on Fawn Lane or
- f. properties located south of the Mt. Rose highway on Fawn Lane which have previously held open burn permits

I have included a map of the area I am discussing above as well as a photo of recently cut brush. The suggestions at the meeting of using more of the Waste Management free bag days in November and May just doesn't work from a practical sense – that bitterbrush piece is most likely in excess of one black construction grade bag. Nor does hauling to NDF on free dump days if you don't have the appropriate vehicle.

I would like to thank you for the opportunity to comment and your level of engagement during this process. I look forward to the Boards decision and hopefully an opportunity to manage my land with the tool of open pile burning to maintain the appropriate defensible space this coming year.

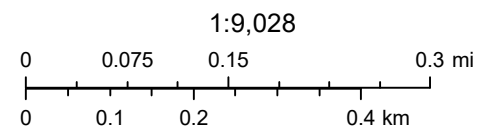
Respectfully –

Charles Donohue
15445 Fawn Lane
Reno NV 89511

Fawn Lane



August 5, 2019



Washoe County
 Washoe County GIS
 Source: USGS, NGA, NASA, CGIAR, GEBCO, N
 Robinson, NCEAS, NLS, OS, NMA, Geodastysreisen and the GIS User
 Community

This information for illustrative purposes only. Not be used for boundary resolution
 or location and not intended to be used for measurement, calculation, or delineation.



District Board of Health Regulations Governing Air Quality Management Revision to 040.035 Open Fires

Daniel Inouye
Monitoring and Planning Branch Chief
&
Julie Hunter
Senior Air Quality Specialist

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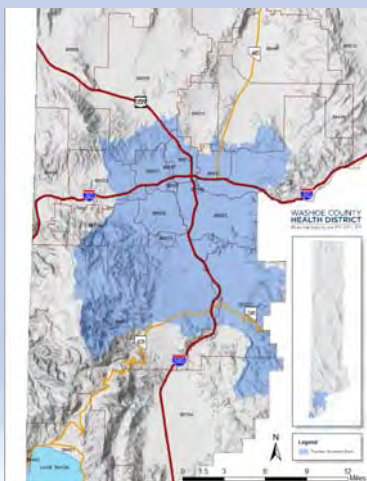
040.035 Current Open Fire Regulation

- No open fires allowed in Washoe County from November through February
- No open fires allowed in Hydrographic Basin 87 (HA87) without exemptions
- HA87 was a previous non-attainment area
- Control strategy to reduce pollution in HA87

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Hydrographic Basin 87 (Non-attainment/Maintenance Area)



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040.035 Revision Summary

- Referred to now as Open Burning
- Open burning allowed year round throughout Washoe County
- Exemptions to burning inside HA87
- All open burning shall meet fire control agency requirements

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040.035 Revision Summary Cont'd

- Open burning exemptions in HA87:
 - Properties 2 acres or larger
 - State and federal governments
 - Local municipalities
 - Canal and irrigation companies
 - No other reasonable alternative for eliminating hazard based on an on-site inspection
- Fees be may associated for some exemptions

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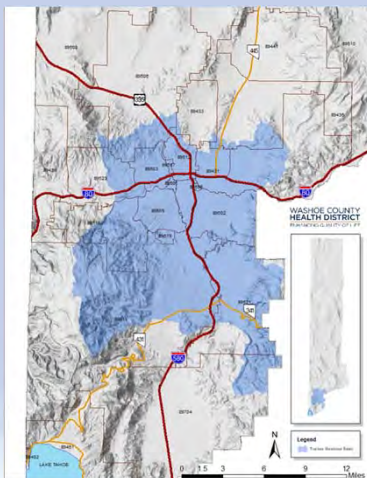
Regulation Change Benefits

- Takes advantage of favorable weather conditions during November through February
- Allowed on properties 2 acres or more in HA87 with/without surface irrigation
- Allows more open burning in Washoe County based on fire control agency approval

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Questions?



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Contact Information

Daniel Inouye
Monitoring and Planning Branch Chief
1001 E. 9th Street, B171
dinouye@washoecounty.us
(775) 784-7214

Revised Regulation: OurCleanAir.com

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Attachment 1.4

Proposed revisions to Section 040.035
Open Burning (strike-out and underline)

EXPLANATION: Matter in (1) Blue Underline is proposed language to be added to the current Open Fires regulation and was presented at the June/July 2019 public workshops; (2) ~~Red Strikethrough~~ is proposed language to be deleted from the current Open Fires regulation and was presented at the June/July 2019 public workshops; (3) Green Underline is proposed language to be added to the June/July 2019 version; (4) ~~Red Double Strikethrough~~ is proposed language to be deleted from the June/July 2019 version.

~~040.035 OPEN FIRES (Amended 4/88, 8/25/93)~~

~~A. As used in this section, "open fire" includes all outdoor fires which are not confined in a District approved incinerator, except those which are set during camping and other recreational activities for the purpose of preparing food or for warmth. It is unlawful to burn, or cause to be burned, any combustible refuse in any outdoor waste burner, unless that burner is an incinerator with a valid Permit to Operate, approved by the Control Officer and in compliance with the provisions of Sections 040.010, 040.046, 040.050 and 040.055. Prescribed burns are governed by the rules of part D of this section.~~

~~B. Except as provided in this section and Section 040.040, no person may burn or cause to be burned, any material in an open fire within the Health District without a valid open burning permit. Under no condition shall an open fire be used to dispose of any vegetative material or other solid waste within the Truckee Meadows hydrographic basin, except as provided under Section 040.035 (C).~~

~~C. Effective September 1, 1993, within the Truckee Meadows hydrographic basin may be issued only to the following persons:~~

~~1. Divisions of local municipalities;~~

~~2. Divisions of state or federal government;~~

~~3. Operators of agricultural facilities greater than 2 acres in size;~~

~~4. Operators of ditch and water delivery facilities;~~

~~5. The owner of any property where the fire control agency and the Air Quality Control Officer jointly determine based on an on-site inspection, that a public safety hazard exists and no other reasonable alternative exists for eliminating that hazard.~~

~~6. Open burn permits may be issued to any person for burning to be conducted outside the Truckee Meadows hydrographic basin.~~

~~D. All open burning permits within the Health District must comply with the following terms, conditions and limitations:~~

~~1. Open burn permits within the Health District shall be issued by the appropriate fire control agency. Such permits may only be issued for burning from March 1 through October 31.~~

~~2. The permit shall set forth conditions of burning which will limit the impact of burn related emissions. Materials other than vegetation, such as construction debris, wood, rubber, plastics, household refuse, etc. may not be burned. The fire control agencies shall attach to each open burn permit an information packet which shall be provided by the Air Quality Control Officer.~~

~~3. Open burn permits shall be issued by the fire control agencies only in cases where no reasonable or cost effective alternatives exist.~~

~~4. The fire control agencies shall notify the Air Quality Control Officer of all open burn permits at the time of issuance upon request. The Air Quality Control Officer shall provide a form for making such notification.~~

~~5. Fire control agencies shall notify the Air Quality Control Officer at least five (5) days in advance of any periods for which they plan to allow open burning.~~

~~6. The fire control agencies shall have responsibility for the physical inspection each site and the materials to be burned to determine compliance with fire safety and other applicable codes and requirements prior to the burn.~~

~~7. The open burn permit holder shall contact the local fire control authority to determine if open burning is allowed on the day on which the permittee plans to burn. Open burning permits may be suspended whenever the Air Quality Control Officer determines that adverse meteorological conditions exist.~~

~~8. A copy of the open burn permit shall be available at the site of the open burn and shall be presented to the fire control agency representative and/or Air Quality Control Officer upon request.~~

~~9. All provisions and conditions imposed by the permit must be strictly followed by the permit holder. Failure of the permittee to comply with all such provisions and conditions constitutes a violation of these regulations.~~

~~10. Compliance with all applicable codes and requirements for open burning is the responsibility of the person(s) obtaining and using the open burn permit.~~

~~E. The Control Officer may allow prescribed burning in forest areas during favorable air dispersion conditions. For the purposes of this regulation, a prescribed burn shall mean the controlled application of fire to natural vegetation under specified conditions. Prescribed burns shall not be subject to the burn period limitations of **Section 040.035 (C)**~~

~~A prescribed burning permit, issued by the Air Quality Control Officer, shall be required for all prescribed burns. Prescribed burn permits may only be issued to local fire control authorities or managers of the Forest Service, Bureau of Land Management and Nevada Division of Forests for lands under their control and jurisdiction. The Air Quality Control Officer shall review the smoke management portion of the burn prescription and set forth conditions of operation to limit the air quality impacts of burn related emissions.~~

~~Any application for a prescribed burn permit must be submitted at least ten (10) days in advance of the burn. The application shall include the agency overseeing the burn, a responsible person to be contacted in relation to the burn, the area to be burned, a copy of the burn prescription and any other information as required by the Air Quality Control Officer. The burn prescription shall be available at the site of the burn and shall be presented to the Air Quality Control Officer upon request.~~

040.035 OPEN BURNING (Amended 4/88, 8/25/93; Renamed and Revised 09/26/19)

SECTION A – GENERAL

1. PURPOSE: To limit particulate material (PM) emissions and other pollutants released into the ambient air from open burning.
2. APPLICABILITY: The provisions of this Rule shall apply to any persons conducting open burning within Washoe County.

SECTION B – DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

1. Allowable Vegetation. Means only plant material that grew on the property where the burn is to be conducted.
2. Fire Control Agency. Means the local fire protection districts and fire departments that regulate open burning.
3. Nuisance Smoke. Means anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
4. Open Burning. Means the burning of any ~~combustible material, substance or refuse~~ allowable vegetation wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney.
5. Reasonable Alternatives. Means other means to dispose of allowable vegetation, such as manual removal and disposal of material in a landfill.
6. Recreational Fires. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
7. Smoke Impacts. Means anything that is causing pollution levels to be harmful to humans or become a safety hazard.

SECTION C – STANDARDS: The following standards shall apply:

1. Open burns include all outdoor fires with the exception of:
 - i. Recreational fires;
 - ii. Prescribed fires; and
 - iii. Fires set for training purposes as defined in Section 040.040.
2. Only allowable vegetation shall be burned. No other materials may be burned at any time within Washoe County.
3. Smoke from open burning shall not contribute to exceedances or violations of any National Ambient Air Quality Standards (NAAQS). Open burning will not be allowed if concentrations of any pollutant are exceeded, or expected to exceed any NAAQS.
4. Open burning is exempt from opacity standards as defined in Section 010.106.
5. If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in Section 050.001.C, all open burning shall be suspended in accordance with the requirements of Section 050.001.C.

SECTION D – ADMINISTRATIVE REQUIREMENTS: The following administrative requirements shall apply:

1. Open burning within Washoe County shall meet local fire control agency requirements. Fire control agencies shall consider the following criteria when approving open burning and determining permissible burn days:
 - a. Consideration of reasonable alternatives to burning and;
 - b. Current and forecasted air quality conditions and;
 - c. Current and forecasted weather conditions and;
 - d. Potential nuisances from smoke and;
 - e. Consideration of smoke impacts from all approved open burns.
2. Open burning is not allowed for properties located within: 1) a PM or CO “non-attainment” ~~or~~ “maintenance” area as specified in 40 CFR 81.329, or 2) areas with an EPA approved Maintenance Plan for PM or CO, except under one of the following conditions:
 - a. Properties 2 acres in size or greater;
 - b. Divisions of state or federal government;
 - c. Divisions of local municipalities;
 - d. Canal and irrigation companies;
 - e. The owner of any property where the fire control agency and the Control Officer jointly determine based on an on-site inspection that a public safety hazard exists and no other reasonable alternative exists for eliminating that hazard.

SECTION E – COMPLIANCE AND RECORDS: For the purpose of these regulations, the following compliance and record requirements shall apply:

1. No persons shall conduct open burning without approval from the local fire control agency.
2. The local fire control agencies shall provide the Control Officer an annual report summarizing the previous year’s open burning program. The report shall be submitted annually each year for the previous calendar year activities.

Attachment 1.5

Section 040.035 Open Burning as adopted

SECTION A – GENERAL

1. PURPOSE: To limit particulate material (PM) emissions and other pollutants released into the ambient air from open burning.
2. APPLICABILITY: The provisions of this Rule shall apply to any persons conducting open burning within Washoe County.

SECTION B – DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

1. Allowable Vegetation. Means only plant material that grew on the property where the burn is to be conducted.
2. Fire Control Agency. Means the local fire protection districts and fire departments that regulate open burning.
3. Nuisance Smoke. Means anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
4. Open Burning. Means the burning of any allowable vegetation wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney.
5. Reasonable Alternatives. Means other means to dispose of allowable vegetation, such as manual removal and disposal of material in a landfill.
6. Recreational Fires. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
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 - a. Properties 2 acres in size or greater;
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 - c. Divisions of local municipalities;
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 - e. The owner of any property where the fire control agency and the Control Officer jointly determine based on an on-site inspection that a public safety hazard exists and no other reasonable alternative exists for eliminating that hazard.

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2. The local fire control agencies shall provide the Control Officer an annual report summarizing the previous year’s open burning program. The report shall be submitted annually each year for the previous calendar year activities

Attachment 1.6

Approved minutes from the
September 26, 2019 public hearing

Washoe County District Board of Health Meeting Minutes

Members

Dr. John Novak, Chair
Michael D. Brown, Vice Chair
Marsha Berkbigler
Kristopher Dahir
Dr. Reka Danko
Oscar Delgado
Tom Young

**Thursday, September 26, 2019
1:00 p.m.**

**Washoe County Administration Complex
Commission Chambers, Building A
1001 East Ninth Street
Reno, NV**

1. *Roll Call and Determination of Quorum

Chair Novak called the meeting to order at 1:02 p.m.

The following members and staff were present:

Members present: Dr. John Novak, Chair

Marsha Berkbigler

Dr. Reka Danko

Tom Young

Members absent: Michael Brown, Vice Chair

Kristopher Dahir

Oscar Delgado

Ms. Rogers verified a quorum was present.

Staff present: Kevin Dick, District Health Officer
Dania Reid, Deputy District Attorney
Anna Heenan
Charlene Albee
Lisa Lottritz
Randall Todd
Daniel Inouye
Julie Hunter
Catrina Peters
Laurie Griffey
Lona Bogale

2. *Pledge of Allegiance

Dr. Todd led the pledge to the flag.

3. *Public Comment

Chair Novak opened the public comment period.

Ms. Cakiroglu of Keep Truckee Meadows Beautiful (KTMB) informed the litter survey that had been completed in July 2019 was one of the work items conducted with funds received from the Health District. In her update of that survey, she stated that this evidence-based program is also conducted as part of their affiliation with Keep America Beautiful, and that KTMB had restructured the survey significantly within the past year to make it more reflective of this community, more accurate and more impactful.

Ms. Cakiroglu explained how the study area was divided and volunteers recruited and trained to assess the levels of cleanliness of their areas. The information gained from this study allows KTMB to focus efforts where needed the most.

Ms. Cakiroglu informed the River Clean-Up was being held on Saturday, September 28th, and invited those present to participate.

Mr. Pitkin informed there were between twenty and thirty new HIV infections in Reno each year; of these, approximately 13 develop into AIDS. He provided information on the 90-90-90 initiative which was developed eight years ago with goals of stabilizing the spread of HIV and being accomplished in 2020.

He requested the Board to provide funding for this initiative in this region and to support positive change in the public's perception of AIDS/HIV. He provided a list of resources available locally and nationally to the Board.

Chair Novak closed the public comment period.

4. Approval of Agenda

September 26, 2019

Commissioner Berkbigler moved to approve the agenda for the September 26, 2019, District Board of Health regular meeting. Dr. Danko seconded the motion which was approved four in favor and none against.

5. Recognitions

A. Years of Service

i. Stephen Shipman, 20 years, Hired 9/20/1999 - EPHP

Mr. Dick wished to recognize Mr. Shipman for his twenty years of service with the Health District. He informed Mr. Shipman is one of the Public Health Emergency Response Coordinators for the EPHP Division, and thanked him for his service.

B. Promotion

i. Stephanie Chen, Health Educator I to Health Educator II - CCHS

Although Ms. Chen was not able to be present, Mr. Dick congratulated her on her promotion.

C. Accomplishments

i. Kristen DeBraga – Passed the National Environmental Health Specialist Examination – EHS

Mr. Dick congratulated Ms. DeBraga for passing the National Environmental Health Specialist Examination, informing it is a very difficult exam. He stated the

Health District is very proud of the number of employees who pass this test on their first attempt.

- ii. Amber English – Selected to serve as a member of Council III – Science and Technology at the 2020 Biennial Meeting of the Conference for Food Protection – EHS

Mr. Dick informed Ms. English has been selected to serve as a member of Council III, Science and Technology, at the 2020 Biennial Meeting of the Conference for Food Protection. He congratulated her, stating it is an honor and that Ms. English will represent the Health District well.

- iii. Ellen Messinger Patton – Appointment to the NACCHO Environmental Public Health Advisory Workgroup - EHS

Ms. Messinger Patton was not in attendance. Mr. Dick congratulated her on her appointment to the NACCHO Environmental Public Health Advisory Workgroup

D. New Hires

- i. Kelcie Atkins, 9/3/2019, Registered Dietitian Nutritionist, - CCHS

Ms. Lottritz introduced Ms. Atkins, stating she is the new registered dietician in WIC. She informed Ms. Atkins has experience working in the clinical setting and providing community outreach, is a native Nevadan, a UNR graduate, a certified diabetes educator and is currently completing her MPH at UNR.

- ii. Scott Oxarart, 9/3/2019, Public Health Communications Program Manager – ODHO

Mr. Dick informed a new Public Health Communications Program Manager has been hired, Mr. Oxarart, and informed he was not present to be recognized due to the birth of his daughter earlier in the week. Mr. Dick stated Mr. Oxarart has a degree in Journalism from UNR, has media experience in both print and radio with Reno Gazette Journal and KOH, has worked previously in digital communications at Renown Health and in Washoe County's Communications Team, and comes to the Health District most recently from Sierra Nevada Corporations. He expressed he was very glad to have Mr. Oxarart at the Health District.

E. Shining Stars

- i. Jennifer Howell
- ii. Blair Hedrick
- iii. Judy Medved-Gonzalez
- iv. Cory Sobrio
- v. Janet Smith
- vi. Carmen Mendoza

Mr. Dick reminded the Board that the Shining Star Awards are to recognize exceptional customer service or performance in the Health District, and that nominations can come from either external customers or staff.

Ms. Medved-Gonzalez and Mr. Sobrio were not in attendance.

Mr. Dick informed that Ms. Howell is with the HIV program at CCHS and has received four Shining Star Awards. Ms. Hedrick with the EPHP Vital Statistics Program and Ms. Medved-Gonzales and Mr. Sobrio, both of the TB Program in CCHS, have received eleven Shining Stars. He stated that Ms. Smith of AQM has ten Shining Stars, and Ms. Mendoza of the EPHP Vital Statistics Program has an

amazing twenty-six Shining Stars. He congratulated them all on their outstanding service.

Chair Novak congratulated staff for their accomplishments and thanked them all for their contributions to the Health District.

6. Consent Items

Matters which the District Board of Health may consider in one motion. Any exceptions to the Consent Agenda must be stated prior to approval.

A. Approval of Draft Minutes

- i. August 22, 2019

B. Budget Amendments/Interlocal Agreements

- i. Retroactive approval of Notice of Subgrant Award from the Nevada Department of Health and Human Services, Division of Public and Behavioral Health, for the period August 1, 2019 through July 31, 2020 in the total amount of \$160,129 in support of the Centers for Disease Control and Prevention (CDC) Epidemiology and Laboratory Capacity Program; and if approved authorize the District Health Officer to execute the Subgrant Award.

Staff Representative: Jennifer Hoekstra

- ii. Retroactively approve the Notice of Subgrant Award from the Nevada Department of Health and Human Services, Division of Public and Behavioral Health, for the period July 1, 2019 through June 30, 2020 in the total amount of \$19,374 (with \$1,937.40 or 10% match) in support of the Assistant Secretary for Preparedness and Response (ASPR) Public Health Preparedness BP1 Carryover Program; and if approved authorize the District Health Officer to execute the Subgrant Award; Approval of emergency response supplies; and if approved, authorize the District Health Officer to distribute the supplies including signing all necessary paperwork.

Staff Representative: Jennifer Hoekstra

- iii. Retroactively approve the Notice of Subgrant Award from the Nevada Department of Health and Human Services, Division of Public and Behavioral Health, for the period July 1, 2019 through June 30, 2020 in the total amount of \$27,823 (with \$2,782.30 or 10% match) in support of the Centers for Disease Control and Prevention (CDC) Public Health Emergency Preparedness (PHEP) BP1 Carryover Program; and if approved authorize the District Health Officer to execute the Subgrant Award; Approval of Point of Dispensing (POD) supplies, Stop the Bleed supplies, Chemical, Burn, Radiation, Nuclear, Explosive (CBRNE) supplies; and if approved, authorize the District Health Officer to distribute the supplies including signing all necessary paperwork.

Staff Representative: Jennifer Hoekstra

- C. Approve a donation of seven (7) bicycles with an approximately value of \$5,600 to the City of Reno/Project HERO (Healing Exercise Rehabilitation Opportunity).

Staff Representative: Nancy Kerns Cummins

- D. Recommendation to Uphold Citations Not Appealed to the Air Pollution Control Hearing Board.

- i. Rainbow Market #10, Case No. 1215, NOV No. 5741

- ii. KDC Construction, Case No. 1216, NOV 5744

Staff Representative: Dan Inouye

E. Acknowledge receipt of the Health Fund Financial Review for August, Fiscal Year 2019
Staff Representative: Anna Heenan

Mr. Young moved to accept the Consent Agenda items as presented. Commissioner Berkbigler seconded the motion which was approved four in favor and none against.

7. PUBLIC HEARING Review, discussion, and possible adoption of the proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.035 Open Fires.

Staff Representative: Daniel Inouye

Mr. Inouye stated the Board had directed AQM to revisit the open fire regulations. He informed that Ms. Julie Hunter has been the Project Manager and has worked closely with the public and fire agencies, and that the Board had adopted the Business Impact Statement at the August 22nd District Board of Health Meeting.

Ms. Hunter, Senior Air Quality Specialist reviewed the current regulations and the proposed revisions for the Board. She stated that staff recommends the Board adopt the proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.035 Open Fires, and offered to answer any questions.

Chair Novak inquired if there was any public comment. Ms. Rogers informed there was not.

Commissioner Berkbigler moved to adopt the revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.035, Open Fires. Mr. Young seconded the motion, which was approved four in favor and none against.

8. Review, discussion and possible adoption of the Business Impact Statement regarding proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.055 (Odorous or Gaseous Contaminants) with a finding that the revised regulations do not impose a direct and significant economic burden on a business; nor do the revised regulations directly restrict the formation, operation or expansion of a business; and set a public hearing for possible adoption of the proposed revisions to the Regulations for October 24, 2019 at 1:00 pm.

Staff Representative: Daniel Inouye

Mr. Inouye informed that Mr. Wolf and his staff have been working on revisions to odor regulations that involve advancements in technology and economic development in the region.

Mr. Wolf, Permitting and Enforcement Branch Chief, stated he would present the Business Impact Statement (BIS) for proposed odor regulation revision. He informed the current regulation as written does not provide for quantification of odors using an olfactometer. In an effort to better serve the community, AQM has purchased an olfactometer and have worked on these proposed regulation revisions to allow measurement of nuisance odors.

Mr. Wolf informed the proposed regulation revision would set a nuisance level for residential and non-residential areas. In this process, he stated two public workshops were held on September 4th which were attended by three members of the cannabis industry; no public comment was given. He informed there are no proposed additional fees to add quantification to the regulations, and there is a potential this addition will streamline odor investigations.

Mr. Wolf stated that staff recommends the District Board of Health adopt the Business Impact Statement and set the public hearing for possible adoption of the proposed regulation

revisions at the next scheduled DBOH meeting in October.

Commissioner Berkbigler expressed understanding that these regulations relate to cannabis facilities, and inquired if they would also apply to farms, use of manure as fertilizer, odor from diesel equipment, etc., and if investigations would be driven by complaints.

Mr. Wolf informed that the proposed regulations are for nuisance odors in general and that no specific industry was singled out. He stated the olfactometer was purchased specifically for use on cannabis grows in Washoe County, due to their increasing number. Regarding agriculture, Mr. Wolf informed the Health District does not have regulatory authority. In regards to diesel odor, Mr. Wolf explained that there are idling limits that are enforceable by AQM.

Mr. Young inquired if cannabis complaints outnumber other types of complaints. Mr. Wolf informed that was correct, with complaints regarding the geothermal plant coming in second.

Commissioner Berkbigler informed of an animal rendering plant in Lemmon Valley and expressed concern that a long standing business providing a needed service could potentially be shut down due to complaints from a growing population moving into that area. Mr. Wolf informed that AQM works not only with the complainant, but the person or entity the complaint was against.

Ms. Berkbigler stated that the proposed regulation revisions seemed to be logical in their approach to the issue.

Mr. Young inquired what an olfactometer costs. Mr. Wolf stated the device AQM purchased was approximately \$2500. Mr. Wolf informed they have taken it on several investigations, and thus far, there has not been enough odor for it to register on the meter.

Chair Novak opened the public comment period.

Mr. Adler, representing Silver State Government Relations, opined that olfactory sensors are good tools, and noted that there are terpenes in plants other than cannabis, so hoped cannabis would not be the only plant investigated.

Mr. Adler stated the cannabis industry is aware of the odor these plants can exude, and informed they utilize carbon filters to minimize the odor impact outside of the facility. He stated these facilities work with the surrounding community and, using their feedback, take steps to address those issues. He encouraged AQM to let them know of any complaints.

Chair Novak closed the public comment period.

Commissioner Berkbigler moved to adopt the Business Impact Statement regarding proposed revisions to the District Board of Health Regulations Governing Air Quality Management, Section 040.055 (Odorous or Gaseous Contaminants) with a finding that the revised regulations do not impose a direct and significant economic burden on a business; nor do the revised regulations directly restrict the formation, operation or expansion of a business; and set a public hearing for possible adoption of the proposed revisions to the Regulations for October 24, 2019 at 1:00 pm. Dr. Danko seconded the motion which was approved four in favor and none against.

9. Regional Emergency Medical Services Authority

Presented by: Kevin Romero and Alexia Jobson

A. Review and Acceptance of the REMSA Operations Report for August, 2019

Mr. Romero, Vice President of REMSA, informed he was filling in for Mr. Dow and is available to answer any questions

Mr. Young moved to accept the REMSA Operations Reports for August, 2019. Commissioner Berkbigler seconded the motion which was approved four in favor and none against.

B. *Update of REMSA's Public Relations during August 2019

Ms. Jobson stated there were a variety of media stories highlighting REMSA's special events team, including wellness tips for special event visitors and highlights about REMSA's partnership with the Sparks Fire Department to successfully manage the medical triage and treatment area at the Rib Cook-Off.

Ms. Jobson informed Senator Catherine Cortez Masto visited REMSA and toured the entire campus, visiting with staff, field providers and dispatchers in late August. Ms. Cortez Masto was impressed with the services REMSA provides.

Ms. Green, Education Manager, was featured in a series of interviews announcing that REMSA is currently conducting paramedic entrance exam testing. REMSA's entire education program and the impressive pass rate that paramedics have on their national registry exam were key points of the story.

Mr. Ceballos, Community Education Coordinator, provided an interview and demonstration to KOLO on how to properly install car seats during National Child Passenger Safety Week. Lastly, Ms. Jobson informed REMSA began announcements of flu shots that will be provided to over one hundred homebound citizens of Washoe County. She stated REMSA is working with the media to generate awareness of this program, and that information can be found at <http://www.remsahealth.com/news/homeboundflu/>. REMSA is offering this program in partnership with the Washoe County Health District.

Chair Novak asked that Ms. Jobson give her name for the record in the future. He expressed the homebound flu shot program is a wonderful service. He reminded those present to get their flu shots.

Commissioner Berkbigler moved to accept the REMSA Public Relations report for August 2019. Mr. Young seconded the motion which was approved four in favor and none against.

Note: This item is a non-action item; approval was not required.

10. Presentation and possible acceptance of the revised 2018-2020 Community Health Improvement Plan.

Staff Representative: Catrina Peters

Ms. Peters, Director of Programs and Projects, reviewed the focus areas of the 2018-2020 Community Health Improvement Plan (CHIP) and the method by which these were broken down into actionable, measureable items. She informed that eighty percent of the goals within the Plan had been accomplished and detailed the successes for those present.

Ms. Peters stated the CHIP committee was reconvened on August 8th to celebrate accomplishments and review progress made. Decisions were made regarding which items should be rolled over into the revised CHIP that were not achieved or have value that would warrant further work. She informed that potential additions to the Plan were also discussed by the group. Sub-groups then discussed details of action plans for implementation, timelines, and those responsible for specific tasks were identified to keep progress moving forward.

Ms. Peters informed of items proposed for rollover, including behavioral health services that providers wish to deliver in the school setting to overcome the issue of transportation.

She stated they are working to locate space at the school. The Signs of Suicide program was earmarked for continued work and funding to be provided. One priority is to increase the screening rate of students; it is hoped a way forward will be identified in partnership with the School District.

Under Goal 1, housing stability, Ms. Peters informed it is proposed to include a strategy around GoodGrid implementation, a case management software program that provides the opportunity to show outcomes around case management and referral successes across the community. Also proposed for addition is a certification program for Peer Recovery Support Specialists, who are persons that have recovered from a substance use issue and are trained to assist those experiencing similar issues on a path toward recovery. She informed the first steps would be to deploy a survey to find how many specialists are in the community, identify persons interested in becoming a specialist and provide training for both.

Under Goal 2, Ms. Peters informed of proposed revisions which include producing the Behavioral Health Data profile annually, which will be included in the Washoe County Regional Behavioral Health Policy Board annual report. Other elements were proposed to be added to the Provider Data Handout for comparison of data from year to year, as well as to add information on employer loan repayment opportunities to aid in the retention of providers in the area.

Another strategy under Goal 2 is to assess the Medicaid claim data for answers to questions around FTEs, sliding scale and providers who take Medicaid. Also proposed for rollover is the work around Behavioral Health Licensure Board modernization due to the delay in the license process taking upwards of six months. The work will include identification of Boards that offer efficiency opportunities such as the ability to enter continuing education credits online, online application for license, etc.

Screening, Brief Intervention and Referral to Treatment (SBIRT), is proposed for expansion. Ms. Peters informed SBIRT is a process healthcare providers would adopt to be able to screen for high-risk behavior and appropriately refer for treatment.

Ms. Peters informed that seniors were added to the scope of work under Goal 3, which is around reducing suicide and depression. She stated strategies and tactics were added to support a BUILD Health Challenge grant, which is intended to address the alarming senior suicide rates.

Commissioner Berkbigler moved to accept the revised 2018-2020 Community Health Improvement Plan. Dr. Danko seconded the motion which was approved four in favor and none against.

11. Discussion of Process and Presentation of Evaluation Forms for the District Health Officer's Annual Review and Possible Direction to Staff to conduct the evaluation.

Staff Representative: Laurie Griffey

Ms. Griffey, Human Resources Representative for the Health District, informed the documents in their packet include the questions that have been used in the past for both the District Health Officer and the County Manager. She stated that, if the questions and the list of participants provided were approved by the Board, staff would need direction from them to proceed with the evaluation.

Chair Novak inquired if the Board had any other participants they would like to include in the evaluation. Hearing none, he called for a motion.

Commissioner Berkbigler moved to accept the Evaluation Forms for the District Health Officer's Annual Review and direct Staff to conduct the evaluation. Mr. Young seconded the motion which was approved four in favor and none against.

Ms. Griffey informed the evaluation would be emailed to them shortly. Chair Novak requested the participants to complete and return it to Ms. Griffey in a reasonable amount of time in order to complete the process.

12. *Staff Reports and Program Updates

A. Air Quality Management, Daniel Inouye, Acting Director

Program Update - Truckee Meadows Regional Plan Update, Divisional Update, Program Reports (Monitoring/Planning; Permitting/Enforcement)

Mr. Inouye provided an overview of the past Ozone season, stating the area was fortunate to have low Ozone concentrations this year and so had zero exceedances.

B. Community and Clinical Health Services, Lisa Lottritz, Director

Divisional Update – Severe Pulmonary Disease Associated with E-Cigarette Use; Data & Metrics; Sexual Health, Immunizations, Tuberculosis Prevention and Control Program, Family Planning/Teen Health Mall, Chronic Disease Prevention Program, Maternal Child and Adolescent Health, and Women Infants and Children

Ms. Lottritz stated that, at the prior DBOH meeting, Chair Novak had requested more information on E-cigarettes to be presented at this meeting. She informed that Ms. Bogale, CCHS Health Educator, would be providing a presentation on the topic.

Ms. Lottritz thanked EPHP, EHS and the Chronic Disease Program for a great collaboration in the investigation of suspect vaping-related cases.

Ms. Bogale presented on the recent national investigation into cases of lung injury and illness that may be associated with E-cigarette use. She informed the numbers on her presentation had been correct as of yesterday, but that the CDC released updated information she had just received prior to this meeting.

Ms. Bogale stated the cases of lung injury had risen from five hundred thirty cases with seven deaths to eight hundred five cases among adolescents and adults with twelve deaths. She informed all had history of E-cigarette product use, but there were no specific products or compounds that have been linked to all cases at this time.

Ms. Bogale noted that the related symptoms are often mistaken for an infection; antibiotics are prescribed in an outpatient setting and the person is later hospitalized with the onset of the disease being from a few days to a few weeks. She informed the investigation continues to work to determine the cause which is thought to be chemical exposure, and whether they may be different diseases with similar presentations. She noted that, at this time, there are no local cases.

Prior to this investigation, Ms. Bogale informed of one-time funding allocated toward an E-cigarette prevention campaign. It targeted youth age thirteen to eighteen in Washoe County and discouraged teen use by educating them of the hazards.

Regarding Senate Bill 263 that passed during the last Legislative Session, Ms. Bogale informed it allows for vapor products and alternative nicotine products to be taxed and regulated as other tobacco products, which will help generate funds for local E-cigarette product prevention and control. Approximately \$200,000 is expected to be allocated to the Health District from the State.

Mr. Young inquired if the investigation included cannabis vaping products. Ms. Bogale stated they are looking in to all substances including THC.

Mr. Dick informed there had been a news report within the past few days that the State is reporting cannabis vaping products sales are down about fifteen percent in the dispensaries, and opined the public appears to be heeding the advisories that are being provided for their education.

Regarding the funding the Health District is supposed to receive from SB263, Mr. Dick stated that it went into effect July 1st and the regulatory component of SB263 to add vaping to the Clean Indoor Air Act will be effective January 1st. He informed the State has yet to establish the account and distribute the funds to any of the local health authorities or to the Tobacco Prevention Coalition to allow them to deploy the statewide advertising campaigns.

Commissioner Berkbigler inquired if there is evidence of secondary exposure from vaping. Mr. Dick explained that one of the problems in understanding the health impacts of vaping is the lack of data and regulations. He stated it is known there is secondhand exposure and there are toxins and carcinogens that are formed in the aerosols from vaping, but there is not yet the understanding of what the health impacts are for those that use the products or are exposed secondhand.

C. Environmental Health Services, Charlene Albee, Director

Environmental Health Services (EHS) Division Program Updates – Child Care, Community Development, Epidemiology, Food, Land Development, Safe Drinking Water, Schools, Vector, Waste Management, and Inspections.

Ms. Albee informed she did not have updates to her report but wanted to inform a staff member attended the Western States Regional Food Safety Program convention in Phoenix where a presentation on CBD oil was heard. She stated the presentation was nearly verbatim to the presentation she had provided to the Board. She informed there was much interest in EHS staff and the work being done here, and opined the Washoe County Health District is on the right track in their approach to CBD products.

D. Epidemiology and Public Health Preparedness, Dr. Randall Todd, Director

Program Updates for Communicable Disease, Outbreaks, Hantavirus, West Nile Virus, Measles, Hepatitis A, PHP Program, Upcoming Exercises, Emergency Medical Services, REMSA Response Data

Dr. Todd stated the Board had requested an update on Hepatitis A in Southern Nevada to be presented at this meeting. He informed the data from the Southern Nevada Health District in his report indicated there were forty-nine outbreak associated cases through June 30th. As of September 18th, new information shows that the case count was eighty-nine. He explained that, of these cases, ninety-four percent were among people who use drugs and eighty percent were among those experiencing homelessness.

E. Office of the District Health Officer, Kevin Dick, District Health Officer

District Health Officer Report – Public Health Accreditation (PHAB), Community Health Improvement Plan, Quality Improvement, Performance Management, Washoe Regional Behavioral Health Policy Board, Substance Abuse Task Force, Truckee Meadows Healthy Communities (TMHC), Other Events and Activities and Health District Media Contacts

Mr. Dick wished to extend congratulations to the Board of Health for their direction in pursuing public health accreditation for the Health District, recognizing the champion Chair Novak has been in the push to attain accreditation. He expressed how pleased staff and the Board is that the goal of becoming accredited has been realized. He informed of the celebration luncheon that was held for staff that Chair Novak and Councilman Dahir were able to attend.

Mr. Dick stated he was pleased to announce that Washoe County Health District is the second health department in Nevada to receive accreditation and the first to become

accredited under Version 1.5. He explained that Carson City became accredited under an earlier version which didn't have as many requirements as Version 1.5, and noted staff are proud that Washoe County Health District was able to become accredited before Southern Nevada Health District.

Mr. Dick stated he had received a letter of congratulations from both NACCHO and the CDC. He informed the plaque from PHAB has not yet arrived, but that he will share it when it does.

Regarding Truckee Meadows Healthy Communities, Mr. Dick informed of the presentations of the Regional Strategy for Housing Affordability made to the Reno and Sparks City Councils on Monday the 23rd and to the Board of County Commissioners on Tuesday the 24th that TMHC developed in partnership with the Truckee Meadows Regional Planning Agency and Enterprise Community Partners. He opined the Strategy was well received in those presentations and noted that he had provided public comment at those meetings to urge each of those bodies to move forward with implementing the Strategy. He informed the Reno Housing Authority has been identified as an organization that is well equipped and willing to lead the implementation of the Strategy, noting it will take further discussions and work on how each of those bodies would feel comfortable they are properly represented in the way Reno Housing Authority is conducting that work.

Mr. Dick informed that the Behavioral Health Forum: More Powerful Together will be held on October 2nd at the County Chambers where a light breakfast will be served at 8:00 a.m. and meeting will begin at 8:30 a.m. He listed the many notable speakers, stating Senator Ratti would provide the initial presentation and speak to activities in the last legislative session.

Mr. Dick informed the Behavioral Health Profile would be presented at this Forum, stating it was developed in the process of updating the behavioral health components of the CHIP.

Mr. Dick informed TMHC's senior suicide project would be covered at the Forum. He stated that TMHC is alive in their bid to obtain funding in the BUILD Health Challenge process with the Robert Wood Johnson Foundation for this initiative around prevention of senior suicide. He expressed hope that he would soon have positive news regarding that funding. He informed that Ms. Craig of Renown Institute took the lead in writing the proposal for the Build Health Challenge, explaining that she did so in her role as the Vice President of TMHC.

13. *Board Comment

Chair Novak closed the Board comment period.

14. *Public Comment

Chair Novak opened the public comment period.

Mr. Donahue informed he is a resident of Fawn Lane and wished to speak to agenda item number seven. He stated he would like to thank Health District staff for their work to revise the open burning regulations, noting their workshops were informative. He stated he attended one of the workshops and made comment that the draft of the regulations ordinance could have included the thirty-eight properties on Fawn Lane. He explained these properties have traditionally had open burning from the time he began living there in 1999 until it was suspended approximately three years ago.

Mr. Donahue informed he has no other alternative to open burning available to him to get rid of green fuels on his property. He stated he does not have a pickup truck to haul this refuse, and these fuels don't fit in garbage bags very well.

Mr. Donahue explained he had worked with Health District staff and Truckee Meadows Fire Protection District who allowed him a one-year exemption. He commented that it has historically been cultural practice to open burn on Fawn Lane for defensible space, and requested an exemption for the thirty-eight parcels of Fawn Lane residents that fall within Hydrographic Area 87. He informed that his analysis of these properties shows an average of their size is just over two acres and so complies with one of the exemption criteria.

Mr. Donahue stated that he wanted his request on record and hoped there might be an opportunity to review the regulations again and provide Fawn Lane residents an exemption to allow open burning.

Chair Novak closed the public comment period.

15. Adjournment

Chair Novak adjourned the meeting at 2:17 p.m.

Possible Changes to Agenda Order and Timing: Items on the agenda may be taken out of order, combined with other items, withdrawn from the agenda, moved to the agenda of another later meeting; moved to or from the Consent section, or they may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless withdrawn from the Consent agenda.

Special Accommodations: The District Board of Health Meetings are accessible to the disabled. Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administrative Health Services in writing at the Washoe County Health District, 1001 E. 9th Street, Building B, Reno, NV 89512, or by calling 775.328.2415, 24 hours prior to the meeting.

Public Comment: During the "Public Comment" items, anyone may speak pertaining to any matter either on or off the agenda, to include items to be heard on consent. For the remainder of the agenda, public comment will only be heard during items that are not marked with an asterisk (*). Any public comment for hearing items will be heard before action is taken on the item and must be about the specific item being considered by the Board. In order to speak during any public comment, each speaker must fill out a "Request to Speak" form and/or submit comments for the record to the Recording Secretary. Public comment and presentations for individual agenda items are limited as follows: fifteen minutes each for staff and applicant presentations, five minutes for a speaker representing a group, and three minutes for individual speakers unless extended by questions from the Board or by action of the Chair.

Response to Public Comment: The Board of Health can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The *Open Meeting Law* does not expressly prohibit responses to public comments by the Board of Health. However, responses from the Board members to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Board of Health will consider, Board members may choose not to respond to public comments, except to correct factual inaccuracies, ask for Health District Staff action or to ask that a matter be listed on a future agenda. The Board of Health may do this either during the public comment item or during the following item: "Board Comments – Limited to Announcement or Issues for future Agendas."

Posting of Agenda; Location of Website:

Pursuant to NRS 241.020, Notice of this meeting was posted at the following locations:

Washoe County Health District, 1001 E. 9th St., Reno, NV Reno

City Hall, 1 E. 1st St., Reno, NV

Sparks City Hall, 431 Prater Way, Sparks, NV

Washoe County Administration Building, 1001 E. 9th St, Reno, NV

Downtown Reno Library, 301 S. Center St., Reno, NV

Washoe County Health District Website www.washoecounty.us/health State of

Nevada Website: <https://notice.nv.gov>

How to Get Copies of Agenda and Support Materials: Supporting materials are available to the public at the Washoe County Health District located at 1001 E. 9th Street, in Reno, Nevada. Ms. Laura Rogers, Administrative Secretary to the District Board of Health is the person designated by the Washoe County District Board of Health to respond to requests for supporting materials. Ms. Rogers is located at the Washoe County Health District and may be reached by telephone at (775) 328-2415 or by email at lrogers@washoecounty.us. Supporting materials are also available at the Washoe County Health District Website www.washoecounty.us/health pursuant to the requirements of NRS 241.020.

Attachment 1.7

Certificate of Adoption

**WASHOE COUNTY DISTRICT BOARD OF HEALTH
CERTIFICATE OF ADOPTION**

WHEREAS, a need has arisen to amend the District Board of Health Regulations Governing Air Quality Management, Section 040.035 (Open Burning);

WHEREAS, this matter has been duly noticed and heard in conformance with applicable administrative procedure requirements;

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby adopts Section 040.035 with the amended language.

The presentation, discussion and possible adoption of Regulations of the Washoe County Health District Board of Health Regulations Governing Air Quality Management, Section 040.035 (Open Burning) were duly and regularly introduced, passed, and adopted at a regular meeting of the Washoe County District Board of Health, on the motion of Berkbigler, seconded by Young, on the 26th Day of September 2019, by the following vote of the Board:

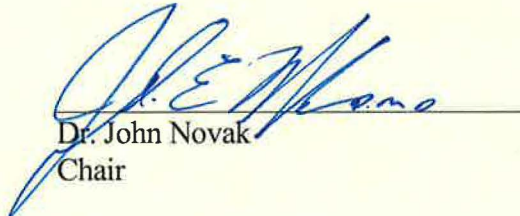
AYES: Novak, Berkbigler, Danko, Young

NAYS: None

ABSENT: Brown, Dahir, Delgado



Kevin Dick
District Health Officer



Dr. John Novak
Chair